IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9072 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JUNAGADH DISTRICT CENTRAL CO OP BANK LTD

Versus

AN BHATT

Appearance:

1. Special Civil Application No. 9072 of 2002

NANAVATI ASSOCIATES for Petitioner No. 1

MS PARUL P VASAVADA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 04/02/2004

ORAL JUDGEMENT

1. When the matter is taken up for dictation of the judgment and order, Mr. Girish Patel, learned counsel appearing for the respondent No.1 submitted that the impugned order dated 20th July 2002 passed by the Industrial Court below Ex.3 was only an interim order and

today, the respondent herein, who is applicant before the Industrial Tribunal, has withdrawn the main Revision Application No. 5 of 2002. Mr. Nanavati appearing with Mr. Gogia for the petitioner does not dispute the said position.

2. In view of the above, when the main Revision Application No. 5 of 2002 is withdrawn by the respondent-Union, it means that they have accepted the order passed by the Labour Court dated 6.7.02 in BIR Application No. 1 of 2000 and even Mr. Patel for the respondent has also admitted the said position that in view of the Revision being withdrawn by the Union, the order of the Labour Court shall continue to operate and the impugned order being interim order, would no more survive.

3. I would have considered the matter further for examining the various contentions raised on behalf of the petitioner as well as the respondent, but in view of the aforesaid subsequent development, since the Revision itself is withdrawn, and the present impugned order is an interim order passed by the Industrial Tribunal below Exh.3 and the respondent having agreed the said position that the order of the Labour Court shall continue to operate, I find that no further orders are required to be passed except clarifying that in view of the withdrawal of the main Revision No. 5 of 2002 by the respondent, the impugned order shall not survive and shall not operate. Hence, as a result thereof, this petition has become infructuous and stands disposed of accordingly. Rule is discharged, No order as to costs.

[JAYANT PATEL, J.]
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